

Montana Transportation Commission

January 25, 2006 meeting

Montana Department of Transportation headquarters building  
2701 Prospect Avenue, Helena MT

In attendance:

Bill Kennedy, Transportation Commission Chair  
Nancy Espy, Transportation Commission Vice Chair  
Kevin Howlett, Transportation Commissioner  
Rick Griffith, Transportation Commissioner  
Deb Kottel, Transportation Commissioner  
Jim Lynch, Director –Montana Department of Transportation (MDT)  
Jim Currie, MDT Deputy Director  
Tim Reardon, MDT Chief Counsel  
Jim Skinner for Sandra Straehl, MDT Rail, Transit & Planning Administrator  
Gary Larson, Project Analysis Engineer  
Loran Frazier, MDT Chief Engineer  
Janice Brown, FHWA Division Administrator  
Mike Duman, Assistant FHWA Division Administrator  
Lorelle Demont, Transportation Commission Secretary

*Please note:* the complete recorded minutes are available for review on the commission’s website at [http://www.mdt.mt.gov/pubinvolve/trans\\_comm/meetings.shtml](http://www.mdt.mt.gov/pubinvolve/trans_comm/meetings.shtml). You may request a compact disc (containing the audio files, agenda, and minutes) from the transportation secretary at (406) 444-7200 or [ldemont@mt.gov](mailto:ldemont@mt.gov). Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200. The TTY number is (406) 444-7696 or 1-800-335-7592.

Chairman Kennedy called the meeting to order at 8:40 am.  
After the pledge of allegiance, Commissioner Howlett offered an invocation.

Agenda item 1: Approve minutes from the following meetings

- a. November 14, 2005 (conference call)
- b. November 18, 2005 (approval of TCP)
- c. December 12, 2005 (conference call)

Commissioner Espy moved to accept staff recommendations to approve the minutes as presented; Commissioner Kottel seconded the motion. The four commissioners present (Kennedy, Espy, Howlett and Kottel) voted aye.

Agenda item 3: 2004 Safety Engineering Improvement Program

Skinner said that MDT’s Safety Management Section staff, in coordination with district staff, some local governments and enforcement agencies, have identified locations based on the 1999-2003 crash records with highest crash rates, severity rates, severity indices and the highest number of crashes on the rural federal, state and local highway systems. Recommended counter-measures for each location listed are the result of field reviews conducted by personnel from the respective district offices, safety management staff and occasionally FHWA personnel and tribal transportation planners.

We are requesting approval for the following projects:

DISTRICT	ROUTE	HWY	BEGIN RP	END RP	LOCATION	IMPROVEMENT	REMARKS	Benefit/ Cost	RANK	COST EST
GREAT FALLS	N 60	US 89	90.366	94.457	GREAT FALLS	SIGNAL TIMING-10TH AVE	DISTRICT DATA COLLECTION	47.39	14	\$100,000
MISSOULA	S 317	MT 317	2.800	3.800	KALISPELL	RECONSTRUCT	CONRAD & ANDERSON	27.24	20	\$400,000
GREAT FALLS	S 226	MT 226	0.625	15.227	S OF GREAT FALLS	SIGNING		16.90	28	\$60,060
GREAT FALLS	S 280	MT 280	2.500	2.700	N OF E HELENA	SLOPE FLTN, CHEV, LUMN	YORK RD & WYLIE DR	15.45	29	\$159,200
GREAT FALLS	P 60	US 89	28.700	53.400	KINGS HILL - S-427	CORRIDOR SIGNING		14.53	32	\$302,600

BILLINGS	N	16	US 87	0.200	0.200	INT US-87 & N FRONTAGE	SIGNAL UPGRADE		10.79	36	\$250,000
BUTTE	I	90	I 90	210.400	211.300	W OF BUTTE	REMOVE STRUCTURES		9.36	40	\$694,000
MISSOULA	S	473	MT 473	12.000	12.500	S OF DARBY	GUARDRAIL		5.27	43	\$120,900
BUTTE	P	86	MT 86	2.800	3.800	NE OF BOZEMAN	GUARDRAIL		4.72	44	\$167,200
MISSOULA	S	317	MT 317	3.800	4.100	KALISPELL	RECONSTRUCT	CONRAD & SHADY LN	4.71	45	\$217,500
GREAT FALLS	X	L25-9		1.500	1.700	N OF E HELENA	REPLACE BR W/ CULVERT	CANAL-WYLIE DR - N OF E HLNA	4.45	47	\$445,700
MISSOULA	S	269	MT 269	3.600	3.900	N OF HAMILTON	RECONST (MOD VERT)	AT BASS/BLACK LN	4.17	48	\$250,000
BILLINGS	X	LOCAL		0.000	1.000	BILLINGS	INTERSECTION REALIGN	13TH ST W & PARKHILL	3.89	51	\$309,500
MISSOULA	I	90	I 90	23.900	24.800	W OF ST REGIS	ITS		3.75	52	\$754,000
TOTAL											\$4,230,660

Kottel asked about the ranking column. Skinner explained that reflects how the projects were ranked based on a benefit-cost analysis. Projects are funded beginning with the highest ranked project on down the list until funding is exhausted. The reason it starts at 14 rather than 1 is that some of the other projects might be incorporated into other planned MDT projects.

Howlett asked about how the tribal areas rank in the project listing, given the considerable effort underway to address safety issues related to highways in reservations. Lynch responded by describing the difference between the two approaches we have to safety issues: the engineering approach and the behavioral approach. Sometimes we make fixes to the road; sometimes the fix is behavioral. This list of projects reflects the engineering fix. We are working right now with the reservations to get the right data so that we can identify where these areas exist on reservations, something that we’ve been unable to identify before.

Kottel asked what the timeframes on these projects were. Skinner said commission action would put these projects into the program and allow design work to begin.

Kennedy asked about a project that he saw on the list that he submitted about five years ago (realignment of 13<sup>th</sup> and Parkhill Dr). Now that this project is on the list, will the city be notified that the funding is available and that they can go forward and do the design work? When I go back home, we talk about some of these projects, and the question always comes up as to what the timeline is expected to be.

Frazier clarified that some of these projects would be designed by the state, some by consultants, and some by local governments, or some combination of the above. Lynch said the majority of these are state projects.

Commissioner Howlett moved to accept staff recommendations to approve the 2004 safety engineering improvement projects as presented; Commissioner Espy seconded the motion. The four commissioners present (Kennedy, Espy, Howlett and Kottel) voted aye.

Introductions

Chairman Kennedy requested that everyone in the room introduce themselves.

Agenda item 2: Adopt the 2006 edition of the Standard Specifications for Road and Bridge Construction

The standard specifications are part of our construction contracts. Frazier explained that this edition would replace the 1995 edition, and incorporates changes made since then, including all supplemental specifications and numerous standard special provisions, and grammatical changes. Lisa Durbin, Construction Administration Services Bureau Chief, and Dan Smith, Specifications Engineer, are here to answer any questions.

Kottel asked what the internal process is by which specifications are changed and how the public is noticed. Lynch said there are a variety of processes. A change may be initiated by MDT, FHWA, a Contractor, or the Montana Contractors' Association. The Construction Administration Services Bureau has a written Standard Specifications Revision Process that is followed. Reardon explained that, as a public works contractors, we are exempt from the administrative rules drafting process. The reason obviously is that as specifications change, we issue supplemental specifications, and special provisions for certain contracts. We would never be able to stay ahead of the curve on the administrative rules process.

Reardon said this “clean-up” of the specs is helpful for the contractors as well as MDT.

Howlett said I was pleased to see the letter of endorsement from the MCA. For the record, Kennedy read the following January 16, 2006 e-mail from Cary Hegreberg:

To: Montana Transportation Commission  
c/o Lorelle Demont & Jim Lynch

From: Cary Hegreberg, Montana Contractors' Association

RE: 2006 Standard Specifications

Commissioners,

Unfortunately, I am unable to join you for the Jan. 25 meeting, ironically due to a conflict with the MCA/MDT joint meetings that will be underway at that time. I do, however, wish to convey the MCA's support for adoption of the 2006 Standard Specifications, and express our appreciation for the cooperation and professionalism of all MDT staff involved in this process.

Refinement of these specifications is a constant work in progress, and we have developed an excellent working relationship with MDT. Department personnel propose changes to the specs, alert MCA members during our monthly meetings, solicit comments, and assimilate our collective input into final decisions. It is the MCA's task to provide the Department with meaningful, unified feedback on spec changes to minimize “mixed messages” coming from different contractors. We think our procedures work quite well overall. Finalizing and re-issuing the standard specifications will be greatly appreciated by everyone involved.

We wish to thank Mark Wissinger and his staff in particular for the manner in which they conduct business. Our members feel they have a voice in final decisions, and are treated fairly and professionally. Some issues like traffic control are very complex and extremely difficult to find lasting agreement on, but as long as we continue to approach these matters in an open forum, the public and the construction community will be well-served.

Thank you for the opportunity to comment.

Cary Hegreberg

Kennedy said this letter is evidence that our process of involving affected parties on specification changes works very well.

Commissioner Griffith moved to accept staff recommendations to adopt the 2006 edition of the *Standard Specifications for Road and Bridge Construction*; Commissioner Espy seconded the motion. All five commissioners voted aye.

Frazier recognized Dan Smith and Lisa Durbin for their work on writing the specifications.

#### **Agenda item 4: Secondary Roads Capital Construction Program – Butte District**

Skinner said the nine counties in the Butte district, plus the Butte district administrator [Jeff Ebert], voted to approve the following priority list for the secondary roads improvement:

1. S-276, RP 3.5 – 7.98, **Brown's Gulch Road**, Silver Bow County  
Reconstruction of gravel surface to paved surface. Estimated total project cost is \$5.185 million.
2. S-235, RP 0.0 – 1.95, **Valley Center Road**, Gallatin County  
Reconstruction of paved surface. Estimated construction phase is \$3.1 million (previously approved by the Transportation Commission from prior project split,

included for informational purposes).

3. S-295, RP 9.5 – 10.5, **Mission Creek Road**, Park County  
Slide Repair. Estimated total project cost \$820,000.
4. S-399, RP 18.3 – 25.1, **Whitetail Road**, Jefferson County  
Reconstruction of gravel surface to paved surface. Estimated total project cost is \$8.01 million.
5. S-540, RP 4.0 – 11.472, **East River Road**, Park County (MDT request),  
Reconstruction of paved surface. Estimated total project cost is \$9.05 million.
6. S-249, RP 3.0 – 7.4, **Varney Road**, Madison County  
Reconstruction of gravel surface to paved surface. Estimated total project cost is \$5.185 million.
7. S-569, RP 9.5 – 15.07, **Mill Creek Road**, Deer Lodge County  
Reconstruction of paved surface. Estimated total project cost \$6.595 million.
8. S-324, RP 27.7 – 34.567, **Bannock Pass**, Beaverhead County  
Reconstruction of gravel surface to paved surface. Estimated total project cost \$8.17 million.
9. S-284, RP 31.66 – 36.68, **Canyon Ferry Road**, Broadwater County  
Rehabilitation of paved surface. Estimated total project cost \$6.045 million.
10. S-294, RP 7.9 – 8.4, **Martinsdale Road**, Meagher County  
Reconstruction of two sub-standard curves over abandoned railroad bed. Estimated total project cost \$744,000.

The new projects will be programmed for preliminary engineering when funding becomes available for the Butte District Secondary Roads Capital Construction Program. At this time, the first two priorities can move forward.

Commissioner Griffith moved to accept staff recommendations to approve the secondary roads priority list for the Butte district as presented; Commissioner Howlett seconded the motion. All five commissioners voted aye.

**Agenda item 5: Locally funded construction projects on state and federal system routes in the cities of Billings, Deer Lodge, and Hamilton, and Valley County**

Under M.C.A. § 60-2-111 *letting of contracts on state and federal aid highways*, all projects for construction or reconstruction of highways and streets located on state designated routes, including those portions in cities and towns, must be let by the Transportation Commission. The projects will be designed with input and concurrence from MDT staff. Projects will be competitively bid.

Location of Project  Street name/Route #	Starting Point	Ending Point	Type of Work	Cost	Contracted or Local Work Force	Year Let To Contract	Public Involvement Process Completed (Yes/No)*	Funding Source
Deer Lodge, Secondary 275 M.P. 1.094	South Bank of Cottonwood Creek	North Bank of Cottonwood Creek	Bridge Replacement	\$800,000	Contracted	2006	Yes	FEMA
Hamilton, US-93 (N-7)	Silver Bridge	Fairgrounds	Curb, Gutter, Sidewalks	\$380,000	Contracted	2006	Yes	Special Improvement District (SID) 19
Valley County, Secondary 438	Mile Post 34	Mile Post 53	Graveling	\$77,000	Contracted	2005	Yes	10 mill road levy

Billings, West Wicks Lane (U-1012)/Governors Boulevard (U-1027)	Intersection		Intersection Improvements / Signal	\$325,500	Contract	2006	Yes	Transportation Bonds
Billings, Wicks Lane (U-1012)	Bitterroot	Main St (P-16)	Overlay	\$166,000	Contract	2005	Yes	Fuel Tax
Billings, Hawthorne Ln/Yellowstone River Road (U-1027)	Intersection		Widening/Turn Bay	\$310,215	Contract	2006	Yes	Fuel Tax
Billings, 1st Avenue South (U-1022)	State Avenue (U-1024)	South 30th Street	Overlay	\$260,000	Contract	2005	Yes	Fuel Tax
Billings, 5th Street W (U-1015)	Grand Avenue (U-1004)	Broadwater Avenue (U-1006)	Overlay	\$92,000	Contract	2005	Yes	Fuel Tax
Billings, Grand Avenue (U-1004)	17th Street West (U-1003)	24th Street West (U-1005)	Widening Roadway	\$3,858,750	Contract	2006	Yes	Arterial Fee
Billings, King Avenue W (U-1010)	S. 31st Street	Shiloh Road	Widening, utility, and storm drainage improvements	\$5,057,000	Contract	2007	Yes	Fuel Tax

Commissioner Kottel moved to accept staff recommendations to approve the projects presented and delegate authority to let, award, and administer the contracts for these projects to the cities of Billings, Deer Lodge, and Hamilton, and Valley County, pending concurrence on the design plans from MDT's chief engineer; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Skinner said there are two projects that have already taken place on our system and are presented for information only. We are going out to local governments twice a year to solicit this information, to prevent project information from being brought to the commission after the fact.

- The first project was the new road construction of Arlene Street from Broadwater Avenue (U-1006) to Poly Drive. This route intersects our urban system at Broadwater Street, however it is not on-system. This route was built using funds from a \$5.2 million General Obligation Bond approved by Billings voters in 2003.
- The second project is a widening project that took place in Billings, on Central Avenue (U-1008) between 29<sup>th</sup> Street West and 35<sup>th</sup> Street West. Project funding was mostly private, with small amounts of funding from fuel tax allocations, and storm water assessments. Both projects were coordinated with district input.

### **Agenda item 6: System action in Missoula County on the state Secondary Highway System**

Skinner brought forth a request from the Missoula County Commissioners that the Transportation Commission approve a change on the Secondary Highway System.

#### *Mileage proposed to be **added** to the Secondary Highway System*

The portion of Waldo Road/Frenchtown Frontage Road proposed to be added to the secondary system originates at the junction of US 93, 1.2 miles north of the Desmet Interchange on I-90. The route continues for approximately 10.93 miles in a northwest direction paralleling I-90 to the junction of the Huson Interchange crossroad (MDT route X-32168), approximately 15 miles northwest of the city of Missoula. MDT conducted a review of the road and determined the 26-foot wide paved surface to be in fair condition. The road is functionally classified as a major collector.

In accordance with MDT System Action Policy, this addition will remain the maintenance responsibility of the county until improved to MDT standards. Missoula County intends to make this their top priority for Secondary Highway System funding if this system action is approved. They would propose a pavement rehabilitation project for this route.

*Mileage proposed to be **deleted** from the Secondary Highway System*

According to commission past practice of requesting the deletion of a like number of miles, Missoula County proposes to drop Pattee Canyon Drive/ Deer Creek Road, Secondary 533 from the system (attachment #2). Pattee Canyon Drive/Deer Creek Road originates at the southeast urban boundary. The 22-foot wide paved surface continues east approximately 4.3 miles to the Pattee Canyon Campground. MDT review determined this portion of the roadway to be in poor condition and in need of major rehabilitation. The route then transitions to a gravel surface, continuing in a northerly direction for approximately 7.7 miles terminating in East Missoula. This gravel segment of roadway varies between 16 and 24 feet in surface width.

Howlett noted that there is an awful lot of building going on in the Frenchtown area. We have a safety project to widen US 93 in that area. This is really needed. I'm curious about this swap – is this because of policy requirements? Skinner said yes; generally, we don't want to assume additional mileage on the system. Kennedy said this goes back many, many years. Larson said in 1976, we agreed to exchange mile for mile on the secondary system. The reason is putting mileage on the system doesn't give you any more money; it essentially dilutes the ability to spend that money. Kennedy said when the legislation was passed for secondary road maintenance, it was determined that any exchange should be mile for mile.

Howlett said I would like to have some additional discussion on this. There are some factors now that perhaps weren't factors in 1976, such as growth. => We should have some flexibility in our thought and perhaps this policy needs to be updated.

Currie said there have been two exceptions: one action in Yellowstone County and another in Deer Lodge County. There is precedence where the commission has assumed mileage onto the system without a corresponding deletion where there were compelling reasons to do so.

=> Kennedy suggested more information on the secondary system, history, funding, etc. by way of a presentation at the next commission meeting.

Larson offered some clarification: in this particular case, the Pattee Canyon route is virtually unconstructable – it's between a river and a mountain and there are houses alongside it. The county realizes that and I think they are comfortable with dropping it off the system. Also, on the east Missoula side, they have a developer in there improving the road.

Howlett said I wasn't questioning the necessity of dropping the miles. I simply would propose that we have some flexibility. Larson said the commission certainly has that flexibility.

Commissioner Howlett moved to accept staff recommendations to approve the addition of Waldo Road/Frenchtown Frontage Road from US 93 to the junction of the Huson Interchange crossroad (MDT X-32168) to the Secondary Highway System, with the proviso that the state will not be responsible for maintenance of the route until it has been reconstructed to state standards; and the removal of Pattee Canyon Drive/Deer Creek Road, (Secondary 533) from the Secondary Highway System; Commissioner Espy seconded the motion. All five commissioners voted aye.

**Agenda item 7: Enhancement project on MDT right-of-way**

*Canal Footbridge – Hamilton*

The project will design and construct a footbridge and abutments over the Corvallis Canal in North Hamilton. The estimated total project costs are \$81,700, which consists of \$200 for preliminary engineering and \$81,500 for construction.

Commissioner Howlett moved to accept staff recommendations to approve the addition of the *Canal Footbridge in Hamilton* CTEP project to the program; Commissioner Griffith seconded the motion. All five commissioners voted aye.

## **Agenda item 8: Chip-seal project on Interstate 15(sent)**

### *Augusta Interchange – Hardy Creek*

Skinner said MDT is requesting commission approval for the addition of a seal and cover (chip-seal) project into the program. This 18.734-mile project is located on I-15 between Helena and Great Falls, beginning at reference point 229.099 and ending at reference point 247.829.

This location was originally crack-sealed in 2005 through a combination of MDT maintenance and contractor forces. The cracks being sealed were longitudinal and therefore at right angles to the driving lanes. In mid-summer 2005, the crack sealant began to be tracked out of the cracks by vehicles, and at this time, the seal has been completely pulled out of the cracks. The mix used for the sealant was a standard mix design that met MDT specifications.

The intent of the requested project is to protect the crack seal from potential tracking through a seal and cover (chip-seal) to both northbound and southbound driving lanes until major rehabilitation can be accomplished.

This project wasn't identified in the recently developed Tentative Construction Program, and, as such, action is needed to fiscally constrain the program. The additional federal fiscal year 2006 obligation authority would come from the following tentative construction plan adjustments made at the December 13, 2005 project status meeting in order to finance the *August Interchange – Hardy Creek* project:

- *Shelby-East*, a district 3 NH project estimated to cost \$588,400, was moved to January 2007.
- *2000 Safety Imp-South of Jct S-279*, a district 3 SPHS project estimated to cost \$320,000, was moved to January 2007.

MDT proposes utilizing Interstate Maintenance (IM) funds for the seal and cover (chip seal) portion of the project. The estimated total project cost is \$788,000, consisting of \$40,000 for preliminary engineering, \$680,000 for construction, and \$68,000 for construction engineering.

Griffith asked for more detail about the failure. Skinner said we aren't sure why it failed. The mix used for the sealant was a standard mix design.

Larson said maintenance forces will do repairs to the cracks, then let a contract to have the chip-seal performed over the top. Griffith expressed concern that we aren't addressing the reason for the failure. Espy said there was a 10-mile long crack-seal job on MT 59 that failed. A lot of cars were damaged and it was very expensive. They did a repair such as is being proposed here and it has held up very well for the last three years.

Lynch said I got an explanation from maintenance about this. In my prior life, I have considerable experience with chip sealing and crack sealing. If the road is dirty prior to the crack-seal material being applied, it will affect adhesion. If the temperatures are high, which they were in the canyon at this time, that can also affect the results of the job. These cracks are longitudinal, rather than the usual transverse cracks, which makes it easier for vehicle tires to roll the material out of the cracks. Once the material starts to unravel, it continues to unravel. I think this reflects circumstances on the road rather than anyone's mistake. Areas that are colder aren't as subject to this, but where there is a lot of wheel action, such as on corners, it places a lot of pressure on the cracks. The fix we're proposing should accommodate the problem: we will refill the cracks, and then chip-seal over the top to prevent vehicle tires from being able to pull the material up out of the cracks.

There was some discussion about the merits of using paper versus sand in the cracks to prevent the asphalt mixture from splashing up onto vehicles while curing.

Griffith said the use of paper is an ingenious idea, inexpensive way to ensure that the cards that come through the crack-seal area don't get oil on them. From a liability stand-point, I'll

bet that toilet-paper idea has saved you guys hundreds of thousands of dollars in claims. Lynch said for the record, it is not toilet paper.

Commissioner Kottel moved to accept staff recommendations to approve the addition of a seal and cover (chip-seal) project *Augusta Interchange – Hardy Creek* into the program. This 18.734-mile project is located on Interstate 15 between Helena and Great Falls, beginning at reference point 229.099 and ending at reference point 247.829; Commissioner Espy seconded the motion. All five commissioners voted aye.

### **Agenda item 10: Letting lists**

Frazier said the January letting scheduled for tomorrow will be a record letting worth around \$67 million. The February letting will be worth about \$30 million, and the March letting will be worth \$57 million. The quarter then will be worth about \$148-150 million, which is also a record. Previous records were \$61 million for a single letting and \$118 for a quarter.

The commission recognized the work of staff in preparing for these lettings.

Frazier said we have two of the Highway 93 bond projects slated for March 30<sup>th</sup> bid letting. He asked if the commission would consider some form of expedited award for those two contracts. => Kennedy said we will set a conference call time at the February 6 conference call to make the special award.

Lynch noted that there are three other projects on US 93 to be let this year, for a total of five projects.

Howlett noted he had received several phone calls about the condition of the Jocko Hollow bridge. Jim Currie, and the district administrator, Dwane Kailey, did an excellent job of responding to the complaints.

Commissioner Espy moved to accept staff recommendations to approve the lettings lists for January through September 2006; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Howlett said for the record I will be out of state when you have those discussions on US 93 but am in favor of finding a way to let early construction proceed.

### **Agenda item 11: Certificates of completion for November 2005**

Commissioner Griffith moved to accept staff recommendations to approve the certificates of completion for November 2005 in the amount of \$33,035,027; Commissioner Espy seconded the motion. All five commissioners voted aye.

### **Communication with local governments**

Gallatin County Commissioner John Vincent said I came to let you know what an outstanding job your folks are doing on US 191 in the canyon. Director Lynch has been down there on the ground, time and again. We receive numerous compliments about the snowplowing. Jeff Ebert is on the ground visiting with citizens and comes over all the time; we are really pleased with the attention he's giving us.

Obviously when you have four fatalities, it draws attention to the issues. We need to avoid a knee-jerk reaction and simplistic solutions, tempting though that can be.

As an aside, we at the Gallatin County Commission have reached the point of no return: we have in the last week rejected three subdivisions simply because the infrastructure we need to protect the public safety, be it a state road or a county road, simply is already maxed out. It's not safe with the traffic it's currently carrying. I'm not asking for any extra help, I just wanted to let you know that we have finally made the connection that the improvements that are needed to provide for the public safety should, at the very least, be constructed reasonably concurrent with the impacts on that infrastructure. For example, it would be



unsafe and against the best interests of the public to push an additional 5,000 ADT onto Jackrabbit Lane a year before improvements are scheduled to take place.

Belgrade is one of the fastest growing cities in the state, and Gallatin County is one of the fastest growing counties. We are struggling to keep ahead of the curve. That development is pushing us to rethink many decisions. We recognize that throughout this state, our resources are thin and we are asked to do more with our resources than is physically possible to do.

=> Vincent asked Lynch to pass the compliments down to the department staff, specifically to Jeff Ebert and the crews that work day in and day out to keep the roads safe.

Lynch expressed his appreciation to Vincent for the recognition of the efforts MDT is making, particularly in relation to the Gallatin Canyon. US 191 is a unique road and there's not a lot we can do to improve it from an infrastructure standpoint. Commissioner Vincent asked if I would be willing to come down and meet with their community and talk about some safety issues on the Gallatin roadway, in relationship to behavioral type stuff that we can do in conjunction with the National Highway Traffic Safety Administration. Montana Highway Patrol Colonel Grimstad and I are going February 1 at 7 pm to talk to the local community. We're hoping to develop a pilot program in the canyon to track our efforts there, potentially to use those methods and solutions to benefit other areas.

### **Agenda item 12: Project change orders**

November 2005 = \$1,218,022.38

Commissioner Howlett moved to accept staff recommendations to approve the project change orders as presented for November 2005; Commissioner Espy seconded the motion. All five commissioners voted aye.

### **Agenda item 13: Liquidated damages**

- a. \$9,368 assessed on project IM 94-5(33)189 *Culvert Repair – 7 km E of Fallon* (Century Companies Inc. of Lewistown)
- b. \$6,020 assessed on project SFCS 365-1(6)1 *East of Brady – East* (Schellinger Construction Co. Inc. of Columbia Falls)
- c. \$6,020 assessed on project SFCS 573-1(1)0 *Medicine Lake – East* Prince Inc. of Forsyth)

The commission took no action therefore the liquidated damages stand.

### **Agenda item 14: Set schedule for development of the 2006-2011 Tentative Construction Program (fall 2006)**

At the last commission meeting, staff agreed to provide a timeline for the development of the Tentative Construction Program (TCP) in the fall of 2006. Staff proposes the following dates:

- TCP prep meeting during the meeting already scheduled for September 13-14
- Project-specific meetings for each district: October 16-19, 2006
- Regular commission meeting on October 20 with an agenda item for formal approval of the final TCP (note: the commission has already blocked October 18-20 for meeting time)

Specific times for each district meeting (October 16-19) will be determined.

Commissioner Espy moved to accept staff recommendations to set the Tentative Construction Program (TCP) meetings during October 16-19 with a regular commission meeting on October 20 during which the commission would take final action on the TCP; Commissioner Griffith seconded the motion. All five commissioners voted aye.

### **Agenda item 9: Proposed new administrative rules for outdoor advertising**

Tim Reardon said what's before you today is the first step in a process that involves the amendment to and adoption of some new rules in the realm of outdoor advertising which, according to state law, is under the commission's jurisdiction. The rules come to you at this time because of a number of things that have taken place over the last several months and years, some of which are more social and some of which are more technical.

Both the bureau staff and the director's office have been receiving complaints about certain types of signs, such as local community "Welcome To \_\_\_\_" signs, directional signs and off-premise changeable message signs. The complaints claim that the present rules are too restrictive. Since the bureau staff was rewriting those rules, a review was undertaken to examine all of the rules. The result is the proposed draft notice as attachment 1, which proposes the adoption of one new rule and the amendment of seven existing rules.

One of the things that the proposed rules are going to attempt to do is address and deal with things that might be considered somewhat trivial: the "welcome to" signs that you see in some towns, particularly rural towns, that may be illegal and make them legal and appropriate. I suspect this will be the least controversial change.

There are some other proposed changes that will generate discussion. That includes things like electronic billboards and variable message signs – things that we are seeing more of as the technology for outdoor advertising has changed from the paper billboard that we've seen for the last hundred years. Now, there are signs with lighting, messages that change frequently, public service announcement signs (e.g. some businesses have signs that give the date, time and temperature) and information such as a bank might tell you what their interest rates are. You'll also have signs at schools and colleges that message information about activities taking place on their campus. These signs may have been funded in whole or part by specific contributors and may contain some message either of appreciation or maybe even a little advertising; when we get to that advertising, we have a problem. There's a lot of reasons for that problem: some of it is simply fairness in competition in the industry, some of it is they don't comply with state law or federal regulations.

The last major revision to these administrative rules was done in 2005. Reardon recognized Pat Hurley from MDT's Right-of-Way Bureau, and Nick Rotering, a staff attorney, for their work in undertaking a review and rewrite of various portions of these rules controlling the permitting and enforcement of outdoor advertising signs. FHWA has been included in the process.

This is one of the areas where the Transportation Commission by law, Section 75-15-121 MCA, must adopt the Administration Rules, not the department. Because it is always a good idea to hold a public hearing when adopting such rules, the proposed notice will contain the appointment of a hearing officer, Assistant Attorney General Jim Scheier, and a proposed date to be set at least 28 days after the notice is printed in the Montana Administrative Register.

Reardon said you have already received an e-mail from a lady in Missoula who has some serious concerns about variable message/moving/lighted signs, both from a safety standpoint as well as from an advertising standpoint at the University of Montana. I don't think that that's going to be an individual comment.

Montana is not alone in trying to deal with issues such as variable message boards, the size of signs; these issues are national in scope. The recommendation of staff is that you go ahead and begin the dialog.

Commissioner Kottel summarized that there are three reasons that the commission should promulgate new rules, and those are the items we should take public comment on:

- a. There are existing signs that may not be in compliance with the rules.
- b. The nature of the technology has changed and the rules do not reflect these changes.
- c. Changing community norms regarding acceptance of signage in the community.

I am only interested in hearing comments about whether or not those three reasons are sufficient for us to promulgate new rules, not what the rules look like at this point.

Paul Denahee of Lamar Advertising, 315 Main St, Billings 59105, said that the proposal covers the updates that need to be covered regarding technology improvements. I am asking the commission to proceed with the hearings.

Commissioner Kottel moved to accept staff recommendations to approve the proposed notice and authorize the chairperson sign the notice to be filed with the Secretary of State's office for publication in the Register, and to appoint Assistant Attorney General Jim Scheier as a hearings officer to conduct a public hearing to gather public comments on proposed changes to the Administrative Rules of Montana concerning outdoor advertising; Commissioner Griffith seconded the motion. All five commissioners voted aye.

Kennedy asked how the proposed changes would be publicized and how the public can participate in the process. Reardon noted that MDT maintains a list of interested parties in the administrative rules concerning outdoor advertising; it's a fairly extensive list and each person on it will be individually notified. Also, a notice will be published in the Administrative Register. The hearing will be advertised in the newspapers and on our website. Given the nature of the issues, we will make an effort to involve as many as possible, including the industry and concerned citizens.

Kennedy entered the e-mail from Sarah Busey of Missoula and Paul Whiting of Billings for the record to be included in the comments on the proposed outdoor advertising rules.

### **Agenda item 15: Commission discussion**

*Letter from Dr. McDonald re pedestrian overpass in Pablo*

Lynch said there has been some follow-up since Kevin raised the issue at last commission meeting. I responded to Dr McDonald on November 9, 2005 explaining the process and why the road is being designed the way it is, and the issues associated with a pedestrian overcrossing. He responded, and in another letter dated January 4, 2006, I advised him we would be taking his request to the US 93 policy and oversight group (POG) and invited him to attend the next POG meeting. POG is an oversight group consisting of tribal leaders and planners, MDT personnel, and representatives of the FHWA. Lynch provided copies of both letters to the commission.

Currie said the purpose of the tri-government POG is to resolve issues that can't get resolved at a lower level. In addition to the policy and oversight group, there is a technical design committee (TDC) that looks at all of the technical issues relative to the reconstruction of the highway. What the POG elected to do was turn the issue to the TDC for research and evaluation, and return to the POG with a recommendation at the next POG meeting scheduled for February 22, 2006. The idea of an overpass or an underpass was considered by the TDC when we were designing that section of highway. POG wants them to look at the issue and see if the original decision still stands or if they would have a different recommendation.

Kottel asked if there have been overpasses built since the *Americans with Disabilities Act* went into effect. Currie said we have built an overpass: it's in Missoula over the railroad tracks. It was a CTEP project, it was quite expensive, involved not ramps for pedestrians and bicycles, but an elevator for ADA purposes. It's maintained by the city and I think it's been a pain in the neck for the city with regards to the elevator. But, it's do-able. With regards to Pablo, we wouldn't necessarily just look at an overpass, we might look at an underpass. Kennedy said he was glad to hear that, given the success of an underpass recently installed on Shiloh Road in Billings.

Griffith asked what the solution was prior to this correspondence taking place. Frazier said crosswalks and a signal at the junction with Clairmont Road (which is *not* at the location proposed by Dr. McDonald).

*Correction: At the March 1, 2006 meeting, Frazier noted that there are plans for three signals on US 93 through Pablo at the following intersections:*

- US 93 and Division St

- *US 93 and Clairmont St*
- *US 93 and Courville Rd*

Howlett said what was planned was probably the best idea of the people doing it at the time. The reality is if it's north of the college, if it's north of Eagle school, there is under construction as we speak, a comprehensive community center going in south of the college. There are literally hundreds of homes on each side of the highway, tribal businesses on the west side of the highway. Let's figure out a way to move people safely across there because we're talking about four lanes of traffic conceivably being stopped by a pedestrian. In my mind, that defeats the flow of why we wanted to have four lanes of traffic to begin with. We absolutely do not want people to be hurt crossing the street.

Currie said I would like to speak to the objectivity of this. One of the things that has made this project a success is that we laid everything on the table and everyone had an equal voice. The TDC works that way, with compromise and consensus being the goal.

#### *Tribal issues*

Lynch said we have entered into a new MOU with the Crow Tribe. Negotiations went smoothly. We've filed for an extension of the Fort Belknap MOU.

We are in negotiations with Rocky Boy. They have given us a proposal for Taylor Road. Ultimately, it will be a commission decision as to what happens with Taylor Road. We are also in negotiations with Rocky Boy for gasoline and tobacco revenue sharing agreements.

A tri-party meeting (MDT, FHWA and all the tribes) was scheduled for January 10 and is being tentatively being rescheduled for April 26 in conjunction with the Highway Safety conference on April 27. I think we are making tremendous progress in our communications. Looking back, I can see that MDT did a really good job in communicating with the tribes, and we are improving on that by having the Governor's office and the GAIN Council involved. Sharing traffic information will be an important step and we are making good progress there.

Howlett recognized Nancy and members of the previous commission in establishing a tribal relations subcommittee. We initially felt pushed aside, but no longer do given that our objectives are being achieved through the work of the GAIN council. The way US 93 was handled set a mold for good public policy.

#### *Base stabilizer*

Meetings are still underway with FHWA to look at the suggestion brought forth by Liberty County.

#### *Morning Star Drive*

Nothing to report.

#### *Belgrade interchange timelines*

We are following the same format with the Belgrade interchange as we did for the South Helena interchange. We found it very effective to meet with the cities and counties regularly to determine whether or not tasks had been accomplished.

We had a good meeting with Belgrade and clarified some of the terminology, timelines and processes. There is still a funding deficiency to be solved.

#### *Chairman's items*

Kennedy said I've been receiving questions about the new funding for school safety dollars provided by SAFETEA-Lu. => Lynch said we could present information at the next commission meeting. Howlett suggested we invite Linda McCullough, superintendent of schools, or a staff designee, and ask her to get the information out. Lynch clarified that the funding is \$1 million

Kennedy asked about the nomination for the Governor's award for the St. Mary snowfence. Lynch said Lorelle has written it up and we need to go through it. There is still time.

=> Lynch suggested we submit it for an environmental award through MCA as well.

Kennedy acknowledged Director Lynch, Sandy Straehl, Jan Brown, and Bruce Barrett and all of their staffs that were involved with the discussion on the metropolitan planning organizations (MPOs) in Billings on the 11<sup>th</sup> of January. It was an excellent presentation and very helpful in understanding how the planning and federal funding works.

#### *Commissioners' items*

Griffith said I just got a report on highway safety and a portion of Interstate 90 through Butte has the highest accident rate of any in the state. What do we do to address the problem? => Lynch asked for a copy of the report (it's not an MDT report) so we could review it. We plot out where our dangerous highways are and use that to help us determine which projects to construct, particularly safety projects. Frazier said that may reflect the inclusion of the accident statistics for Homestake Pass.

Griffith said there is a bad area at Ranchland Bridge going eastbound in the left lane – if you're in a pick-up truck and go off that bridge, the back end of your truck gets out of control every single time if it's not weighted down. I know right following that, I could name three accidents that have happened right at that point. Even if this report included Homestake Pass, there is still a safety issue we need to address there. I'll e-mail that to you when I get back. Frazier asked if that was near the pig farm. Griffith said just south of the pig farm. => Lynch said we will look at it.

#### *Next meeting*

Lynch said the commission has scheduled their next meeting for March 1-2. The aviation conference is scheduled for March 2. The commission agreed to meet on March 1 starting at 8:30am.

#### *Beartooth*

As of January, our expenditures on the Beartooth have been \$16,243,410. The estimate was around \$22 million. We expect to expend about another half million.

### **Agenda item 16: Public comment**

None received.

The meeting adjourned at 11:45 am.

Bill Kennedy, Chairman  
Montana Transportation Commission

Jim Lynch, Director  
Montana Department of Transportation

Lorelle Demont, Secretary  
Montana Transportation Commission